

Written Opponent Testimony on Substitute Senate Bill 56

Submitted to the Ohio House Judiciary Committee

By Rev. James “Just A Veteran” Powers

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Introduction

Thank you for accepting this written opponent testimony on Substitute Senate Bill 56. My name is James Powers. I'm a medically retired Army noncommissioned officer, certified cannabis product specialist, father, lifelong Ohio resident, and active participant in the Ohio Consumer Cannabis Coalition, which formed in response to repeated legislative attempts—like SB 56—to override the will of the voters and criminalize responsible cannabis consumers.

This bill isn't implementation. It's an override.

In November 2023, more than 57% of Ohio voters approved Issue 2, legalizing adult-use cannabis statewide.[1] Sub. SB 56 attempts to dismantle that mandate through sweeping criminalization, unscientific potency limits, and unconstitutional policy bundling. It rewrites—not implements—what the people of Ohio chose.

I. Voter Mandate vs. Legislative Overreach

Issue 2 allowed:

- 12 home-grown plants per household
- adult-to-adult sharing
- community reinvestment of cannabis tax revenue
- a balanced regulatory model focused on education and harm reduction.

SB 56 undercuts each of these:

- Halves home cultivation rights (from 12 to 6 plants)
- Criminalizes otherwise lawful conduct, including adult gifting and minor transportation
- Redirects tax revenue voters designated for local use into the General Revenue Fund.
- Adds felony-level penalties to activities Ohioans just voted to decriminalize.

This isn't a policy adjustment. It's legislative nullification.

II. Constitutional Conflict: A Violation of Ohio's Single-Subject Rule

SB 56 regulates:

- Criminal penalties
- Product standards
- Licensing and taxation
- Home grow
- Advertising and packaging
- Zoning and land use
- Parental rights
- Expungement criteria
- Hemp
- Hemp derived products

That's not a single subject—that's a legislative logjam. Under Article II, Section 15(D) of the Ohio Constitution, no bill shall contain more than one subject.[2] Courts have struck down similar bills for far less. And the very inclusion of a severability clause is a tacit admission: the drafters know this bill won't hold up under scrutiny.

III. Weaponized Enforcement: Felonies for Nonviolence

Sub. SB 56 dangerously escalates penalties:

- Using cannabis in a vehicle—even as a passenger—could lead to a 5-year mandatory prison term.[3]
- Growing 13 plants (just one over the limit) becomes a felony, regardless of intent
- Felony charges may apply if cannabis is used “near” vaguely defined youth activity zones.

Meanwhile:

- Carrying a firearm in a school zone is a first-degree misdemeanor (ORC 2923.122).
- Growing one extra cannabis plant is a felony under SB 56.

Where is the logic in that?

IV. THC Caps Lack Scientific Justification

SB 56 proposes:

- *A 35% THC cap on flower*

- *A 70% cap on concentrates*

But both the Massachusetts Cannabis Control Commission and USC's Schaeffer Center found no scientific basis for such limits.[4][5] Potency caps don't reduce harm—they push consumers toward unregulated markets. Patients who need higher-potency products will suffer, especially veterans managing PTSD or chronic pain.

V. Misleading Justifications and Existing Tools

•Youth Use and Impaired Driving

Proponents say this is about safety. But:

JAMA Pediatrics (2022) found no increase in youth use after legalization in other states.[6]

ORC 4511.19 already criminalizes impaired driving.

Marketing, packaging, and labeling rules are already enforced under the Ohio Medical Marijuana Control Program.[7]

•Trademarked Packaging Is Already Illegal

SB 56 claims to target “child-friendly” packaging. But these issues are already covered by:

- The Lanham Act ([15 U.S.C. § 1125]),
- Ohio Revised Code 1329.54–1329.67,
- Department of Commerce enforcement.

Why create redundant penalties when current laws just need to be enforced?

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And let's not pretend this is about protecting kids. Minute Maid Popsicles sit at child-eye-level in grocery stores. Just two blocks from this Statehouse, Minute Maid Hard Seltzer is advertised on billboards. If we're banning brands because of crossover, start with alcohol.

VI. Regulatory Failures and Patient Abandonment

Ohio's MMJ system is already failing patients:

An OSU study shows Ohioans pay \$1,000 more annually than Michigan patients.[10]

Over 6,000 patients left the program in December 2023 alone.[10]

And now we're doubling down on METRC, the track-and-trace vendor under federal investigation for facilitating black-market diversion in other states.[11] Why expand a system that consumers, patients, and whistleblowers don't trust?

VII. Economic and Social Harm

Over 417,000 Americans now work in cannabis.[9] SB 56 threatens to undo that economic engine in Ohio. Legal uncertainty hurts small businesses, especially those led by veterans and patients who invested in this new industry in good faith.

Meanwhile, the bill creates more felons, blocks pathways to expungement, and invites lawsuits from both industry and civil rights groups.

VIII. Selective Public Health Policy

If this were about safety, where is the legislation addressing:

- 140,000 alcohol-related deaths annually?[12]
- Child fatalities from firearms, now the leading cause of death for youth?[13]

Yet cannabis—linked to zero fatal overdoses[14]—is being treated like a uniquely dangerous substance. That's not public policy. That's moral panic.

IX. Repackaged HB 160

SB 56 is HB 160 in new clothes. Same:

- THC caps
- Home grow restrictions
- Gifting bans
- Enforcement bloat
- Constitutional issues.

I testified against HB 160. And like then, the same arguments apply: this isn't about fixing anything. It's about power, stigma, and control.

Conclusion

- Substitute Senate Bill 56 is a sweeping overreach that:
- Defies the will of Ohio voters,
- Violates constitutional law
- Fails basic public health and policy standards
- Further harms the people it claims to protect.

Respect the voters. Respect the facts. Let what the people planted, grow.

Rev. James “Just A Veteran” Powers
Veteran | Advocate | Ohio Voter

Footnotes:

[1]

[https://ballotpedia.org/Ohio_Marijuana_Legalization_Initiative_\(2023\)](https://ballotpedia.org/Ohio_Marijuana_Legalization_Initiative_(2023))

[2]

[Ohio Constitution, Article II, Section 15\(D\)](#)

[3]

[Ohio Legislative Service Commission Comparative Synopsis: SUSB0056-3-136](#)

[4]

<https://masscannabiscontrol.com/document/high-tetrahydrocannabinol-thc-cannabis-and-effects-on-the-human-body-more-research-needed-october-2021>

[5]

<https://healthpolicy.usc.edu/research/federal-regulations-of-cannabis-for-public-health-in-the-u-s>

[6]

<https://jamanetwork.com/journals/jamapediatrics/fullarticle/2789742>

[7]

<https://www.medicalmarijuana.ohio.gov/>

[8]

<https://www.law.cornell.edu/uscode/text/15/1125>

[9]

<https://leafly.com/news/industry/leafly-jobs-report-2023-cannabis-employs-417493-americans>

[10]

<https://medicateoh.com/advocacy/ohio-medical-marijuana-program-loses-6000-active-patients-in-december/>

[11]

<https://mjbizdaily.com/metrc-allowing-rampant-illegal-marijuana-activity-former-exec-claims-in-lawsuit/>

[12]

<https://www.cdc.gov/alcohol/onlinedata/>

[13]

<https://wisqars.cdc.gov>

[14]

<https://nida.nih.gov/publications/research-reports/marijuana/marijuana-addictive>